

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**MARCH 22, 2016**

**CITY COMMISSION CHAMBERS @ 5:30 P.M.**

### **MINUTES**

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, March 22, 2016.

Commissioner Willie German, Jr. opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

#### **ROLL CALL FOR THE REGULAR COMMISSION MEETING:**

Present: Mayor Gawron, Vice-Mayor Hood, Commissioners Kenneth Johnson, Debra Warren, Willie German, Jr., Daniel Rinsema-Sybenga, and Byron Turnquist, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

#### **2016-21 CONSENT AGENDA:**

##### **A. Approval of Minutes** City Clerk

SUMMARY OF REQUEST: To approve minutes of the February 23, 2016 Regular City Commission Meeting, the March 7, 2016 Work Session Meeting, and the March 10, 2016 Special City Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

##### **B. Aggregates, Highway Maintenance Materials, and Concrete**

Department of Public Works

SUMMARY OF REQUEST:

- Award supply of Calcium Chloride 38% (road brine) and 32% (winter salting) to Great Lakes Chloride
- Award bid to supply bituminous products (Base and Top) to Asphalt Paving, Inc.
- Award to supply Sylvax patching material to Unique Paving Materials
- Award bid to supply AE-90 Asphalt Emulsions to Bit-Mat Products
- Award bid for crack sealant to Sherwin Industries.

- Award bid to supply H1/32FA limestone chip blend to Verplank Trucking Company
- Award bid to supply road slag to Verplank Trucking Company
- Award bid to supply road gravel to Verplank Trucking Company
- Award bid to supply 2NS sand to Yellow Rose Transport
- Award bid to supply screened top soil to Accurate Excavators
- Award bid to supply Fill Sand to Accurate Excavators
- Award bid to supply 7-sack mix concrete to Port City Redi-Mix

FINANCIAL IMPACT: \$490,978.00

BUDGET ACTION REQUIRED: None; funds appropriated in several budgets.

STAFF RECOMMENDATION: Recommend approval of bids as outlined in Summary of Request.

**C. Special Event Request – Catamaran Racing Association of Michigan (CRAM) Request to allow overnight camping at Pere Marquette Park (in conjunction with their annual Catamaran sailing regatta)** Community & Economic Development

SUMMARY OF REQUEST: C.R.A.M. is holding their annual Catamaran sailing regatta at Pere Marquette Park the weekend of July 29 – 31, 2016. They are again requesting permission for their participants to camp overnight at the park, as they have done in previous years. They would like to use the City-owned parking lot across from The Deck restaurant for overnight camping, provided that the Deck's owners (Harris Hospitality) approve (they approved it last year; they will provide us with written permission from the Harris's for this year also).

They expect between 8 and 15 RVs in the lot overnight. This is the event's ninth year of operation and there have been no problems in the past with this group. They will provide proof of liability insurance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve overnight camping at Pere Marquette Park for this event on July 29, 30, and 31, 2016.

**D. Community Relations Committee Recommendations for Various City Boards and Committees** City Clerk

SUMMARY OF REQUEST: Accept the recommendations from the Community Relations Committee and appoint to the Citizen's District Council, Veania Coleman, and to the Construction Code Board of Appeals James Marvin Fox.

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION: Approval

**Motion by Commissioner Turnquist, second by Vice Mayor Hood, to approve the Consent Agenda as presented.**

**ROLL VOTE: Ayes: Gawron, Hood, Warren, German, Rinsema-Sybenga, Turnquist, and Johnson**

**Nays: None**

**MOTION PASSES**

**2016-22 PUBLIC HEARINGS:**

**A. Establishment of a Commercial Redevelopment District – 880 1<sup>st</sup> Street, 216 W. Clay Avenue, 208 W. Clay Avenue** Planning & Economic Development

SUMMARY OF REQUEST: Pursuant to Public Act 255 of 1978, as amended, the Planning Department is requesting the establishment of a Commercial Redevelopment District. The creation of the district will allow any future parcel owners to apply for a Commercial Facilities Exemption Certificate, which will freeze the taxable value on the rehab of any existing building and also reduce the taxes of any new construction.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Establishment of the Commercial Redevelopment District.

Public Hearing Commenced – no comments were received from the public.

**Motion by Commissioner Johnson, second by Commissioner Warren, to close the public hearing and establish the Commercial Redevelopment District at 880 1<sup>st</sup> Street, 216 W. Clay Avenue, and 208 W. Clay Avenue**

**ROLL VOTE: Ayes: Hood, Warren, German, Rinsema-Sybenga, Turnquist, Johnson, and Gawron**

**Nays: None**

**MOTION PASSES**

**B. Request to Establish an Obsolete Property Rehabilitation District – 880 1<sup>st</sup> Street and 216 W. Clay Avenue** Planning & Economic Development

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, the Planning Department is requesting the establishment of an Obsolete Property Rehabilitation District at 880 1<sup>st</sup> Street and 216 W Clay Avenue. The creation of the district will allow any future building owners to apply for an Obsolete Property Rehab Certificate, which would freeze the buildings taxes at the pre-rehabilitated rate for up to 12 years.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the creation of the Obsolete Property Rehabilitation District.

Public Hearing Commenced – no comments were received from the public.

**Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to close the public hearing and approve the creation of the Obsolete Property Rehabilitation District at 880 1<sup>st</sup> Street and 216 W. Clay Avenue.**

**ROLL VOTE: Ayes: Warren, German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Hood**

**Nays: None**

**MOTION PASSES**

**C. Recommendation for Annual Renewal of Liquor Licenses** City Clerk

SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal of those liquor license establishments who are in violation of Section 50-146 and 50-147 of the Code of Ordinances for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 22, 2016, they will be removed from this resolution, and recommendation for their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adoption of the resolution.

Public Hearing Commenced – no comments were received from the public.

**Motion by Commissioner German, second by Commissioner Warren, to close the public hearing and adopt the resolution recommending annual renewal of liquor licenses.**

**ROLL VOTE: Ayes: German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, and Warren**

**Nays: None**

**MOTION PASSES**

**D. Soliciting Input for the Michigan Natural Resources Trust Fund Grant at Pere Marquette Park** Engineering

SUMMARY OF REQUEST: The City will be applying for grant money from the Michigan Natural Resources Trust Fund for upgrades at Pere Marquette Park. The first step in this process is to hold a public hearing soliciting input on what the funds should be used towards.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adoption of the Resolution.

Public Hearing Commenced – no comments were received from the public.

**Motion by Vice Mayor Hood, second by Commissioner German, to close the public hearing and adopt the resolution soliciting input for the Michigan Natural Resources Trust Fund Grant at Pere Marquette Park.**

**ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, Warren, and German**

**Nays: None**

**MOTION PASSES**

**2016-23 UNFINISHED BUSINESS:**

**A. Tobacco Products Ordinance Amendments (SECOND READING)**

Public Safety

SUMMARY OF REQUEST: In order to have the City's enforcement ordinances align with other neighboring communities, our ordinance involving the use or possession of tobacco products was amended. The amended ordinance reflects a county-wide effort to standardize the enforcement as it relates to tobacco use and sales. At the same time address the use of vapor products and the use of electronic devices, which dispense nicotine solution or other forms intended for human consumption.

As such, Section 54-242, Article VII, of the City of Muskegon ordinance is being repealed and replaced. In addition to the use of e-cigarettes and vapor products, the ordinance decriminalizes the use of tobacco and associated products; those citizens will receive a civil infraction violation. Those that illegally supply tobacco and related products will receive a misdemeanor violation as described by ordinance.

See revised ordinance Chapter 54, Article VII, Section 242 for details.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adopt revised ordinance (54-242 Article VII) as presented.

**Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to adopt revised ordinance (54-242 Article VII) as presented.**

**ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Warren, German, and Rinsema-Sybenga**

**Nays: None**

**MOTION PASSES**

**B. Local Parking Ordinance Amendments (SECOND READING)**

Public Safety

SUMMARY OF REQUEST: During the City's last codification, several sections of the parking ordinance were amended. In order to have the City's enforcement ordinances align with State law, some ordinances were moved to different sections of the code. Some noted sections of the ordinance were inadvertently removed during codification while rewriting the municipal code. Staff has worked with the codification personnel, as well as our City Attorney, to draft the needed changes. Also, this action is to rescind the first reading approved by City Commission on December 8, 2015, with recommended revisions.

As such, Sections 58-3, 92-33, 92-71, 92-73, and 46-204 of the City of Muskegon ordinances have been rewritten to reflect the previously adopted ordinances and updated modifications because of the changes to the Uniform Traffic Code and to include the fee schedule for parking, civil violations, boat launch permits, and local parking restrictions.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adoption of the amended ordinances and fee schedule as presented.

**Motion by Commissioner Johnson, second by Commissioner Warren, to adopt the amended ordinances and fee schedule as presented regarding the local parking ordinances.**

**ROLL VOTE: Ayes: Johnson, Gawron, Hood, Warren, German, Rinsema-Sybenga, and Turnquist**

**Nays: None**

**MOTION PASSES**

**2016-24 NEW BUSINESS:**

**A. Regarding 245, 255, and 285 West Western Avenue**

SUMMARY OF REQUEST: The previously-approved development agreement for 245, 255, and 285 West Western Ave. called for certain investments on the properties by December 31, 2015. As of today's date, those investments are incomplete. Staff is requesting permission to notify Parkland Properties of their default and begin the process of curing those defaults.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To authorize staff to proceed as recommended.

**Motion by Commissioner Johnson, second by Commissioner German, to authorize staff to proceed as recommended.**

**ROLL VOTE: Ayes: Gawron, Hood, Warren, German, Rinsema-Sybenga,**

**Turnquist, and Johnson**

**Nays: None**

***MOTION PASSES***

**PUBLIC PARTICIPATION:** Public comments were received.

**ADJOURNMENT:** The City Commission adjourned at 6:09 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC, City Clerk